

REMARKS

In the Office Action mailed July 19, 2004, the Examiner objected to the specification for informalities; objected to the claims as being subcombination claims having no patentable weight as to the 'box bodies'; rejected Claim 3 under 35 USC §112, first paragraph, as failing to comply with the enablement requirement; rejected Claim 2 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; rejected Claims 1, 2, and 4-7 under 35 USC §102(b), as being anticipated by Slaiken (U.S. Patent Number 5,183,163); and rejected Claim 3 under 35 USC §103(a), as being unpatentable over Slaiken. The foregoing objections and rejections are respectfully traversed.

In accordance with the foregoing, we have amended the specification to delete 'Cnsequently' on page 11, line 2 of the specification and replaced it with 'Consequently', in order to overcome the Examiner's objection to the specification for informalities.

Claim 3 has been cancelled. Therefore, withdrawal of the rejection under 35 USC §112, first paragraph, is respectfully requested.

Claim 2 has been amended. Therefore, withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

Further, Claims 1 and 2 have been amended and Claim 3 has been cancelled. Claims 1, 2, and 4-7 are pending and under consideration. No new matter is presented.

Slaiken discusses interlocking-continuous base bookends having "...a female 1 and a male 2 end unit and an optional base extender(s)...engaged in multiples to increase the shelf containment capacity of the end section bookend components". (Col. 3, lines 41-46; Also see Figure 1). Slaiken further discusses using the apparatus "...to contain books, files, papers, music recordings on compact disks...", as described in col. 4, lines 41-45. Thus, these books, files, papers, etc., are placed onto this device immediately adjacent to one another to provide support to each other.

On the other hand, the present invention discusses holding a plurality of box bodies at an interval from each other. As recited in amended independent Claim 1, a stand for holding a plurality of box bodies is claimed, wherein a recessed portion taking substantially an L-shaped in section for accommodating a part of the bottom of the box bodies is provided in the outer

stands, recessed portions taking substantially an L-shaped in section for accommodating a part of the bottom of the box bodies are provided in both sides of the middle stand, and a partition member inserted into the adjacent box bodies is formed between the recessed portions of both sides of the middle stand. Support for amending Claims 1 and 2 can be found at least on page 7, lines 3-10 and page 8, lines 12-18 of the specification.

Therefore, Slaiken fails to teach or describe at least the patentably distinguishing feature of holding a plurality of box bodies at an interval from each other, as recited in the currently amended independent Claim 1.

Moreover, the accommodating portion of the box bodies of the present invention is concave in shape and not substantially planar (see Figures 1 and of Slaiken in conjunction with Col. 4, lines 33-40). Therefore, the configuration claimed in the pending Claims 1, 2, and 4-7 is neither taught by nor obvious from Slaiken.

In view of the amendments to the independent claims and the patentably distinguishing arguments above, it is the Applicant's position that Slaiken does not anticipate currently amended independent Claim 1. Therefore, amended independent Claim 1 is in condition of allowance over Slaiken, thereby placing all dependent claims 2, and 4-7 depending from amended independent Claim 1, in condition for allowance over Slaiken.

Concluding Remarks –

Thus, the present invention is neither taught nor described by Slaiken because it fails to teach or disclose at least the patentably distinguishing features of the present invention as described above.

Accordingly, withdrawal of the foregoing rejections is respectfully requested and allowance of all pending claims 1, 2, and 4-7 is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No.: 10/673,318

Docket No.:1046.1300

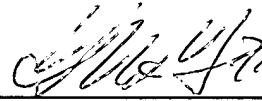
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 20, 2004

By: _____



Gene M. Garner II

Registration No. 34,172

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501